

SOLID WASTE DIVISION

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Energy and Technology Committee
Michigan House of Representatives
12 PM, Wednesday, November 4, 2009

House Bill 5334

Kent County Solid Waste Management System

Kent County owns and operates a permitted solid waste landfill. This landfill facility also has a gas-to-electricity facility designed, constructed and operated by Granger Electric. The County owns a waste-to-energy facility that has operated for 20-years incinerating solid waste and producing electricity for sale to Consumers Energy. The County owns and operates two permitted solid waste transfer stations, four household hazardous waste facilities, three electronic drop off sites and a materials recycling facility. In September 2009 the County began construction of a \$12 million single stream recycling facility.

The Kent County Waste-to-Energy Facility (WTE) operates 24 hours a day 7 days a week. This facility has processed over 3 millions tons of solid waste. Energy produced is renewable; 1-ton of waste is equal to burning 1.7 barrels of oil. Over 3 million barrels of oil have been displaced by this facility. Over 1.5 billion kWh of electricity has been placed in the electric grid from this facility and 90,000 tons of ferrous metal has been recovered. This operation is in compliance with and exceeds all air emission permit standards. In addition, the Kent County WTE is specifically identified in the Renewable Portfolio Standards legislation passed last year.

Kent County is asking consideration of amendments to HB 5334:

1. Page 3, (b) delete: add: The PERSON WHO "owns or" OPERATES THE...

Rationale:

Kent County owns the Kent County Waste-to-Energy Facility that is operated by Covanta of Kent through a contract. The WTE operation air permit is in the name of the County, the County operates the scale house and the MDEQ licensed transfer station. The County is responsible for "contractual requirements or other notification or inspection procedures..." not the operator as currently proposed.

2. Following the same rationale as landfills as an energy production facility we are asking to be authorized to receive yard clippings. Or, as an alternative exempt from the bill those counties that have a WTE in their approved Solid Waste Management Plan.

Background:

The Kent County Waste-to-Energy Facility (WTE) receives solid waste from the six cities of Kentwood, Walker Grand Rapids, East Grand Rapids, Grandville and Wyoming. The County has long term contracts with these municipalities to provide solid waste management disposal services. Each municipality has an ordinance describing the facility and delivery requirements for waste companies operating in the municipality. One of the delivery requirements is that yard clippings (yard waste) cannot be delivered to the WTE in accordance with State law. HB 5334 allows a "Landfill Energy Production Facility" to accept yard clipping. This provision would conflict with the municipal ordinances and the contracts the County has with waste hauling companies.

Problem:

Under HB 5334 a scenario exists whereby waste companies operating in the six municipalities will make a decision to combine solid waste and yard clippings. The bill allows waste companies to collect more than a "de minimus amount of yard clippings". Once solid waste and yard clippings are combined and knowing that the WTE cannot accept yard clippings the waste company will deliver the collected combined (solid waste and yard clippings) load to a "Landfill Energy Production Facility" as allowed by the bill.

Solution:

- Allow Waste-to-Energy facilities to accept yard clippings. WTE facilities are more efficient than a "Landfill Energy Production Facility" toward producing energy in the form of electricity. The Kent County Waste-to-Energy facility combusted yard waste for years prior to the ban. Authorizing a WTE facility to again accept yard waste to produce energy for electricity follows the same logic as the proponents of this bill. A WTE facility converts all biomass to energy (complete combustion) whereas the bill requires a "Landfill Energy Production Facility" only to have a landfill gas utilization conversion factor of 70%. WTE facilities have sophisticated up-to-date air emission control systems including a "selective non-catalytic reduction" system (nitrogen oxide control system); no such air emission equipment exists for a "Landfill Energy Production Facility".
- Kent County has a MDEQ approved "Solid Waste Management Plan" that includes the WTE, delivery requirements to the WTE and enforcement mechanisms. Amend HB 5334 allowing Kent County to "opt out" of this bill.

Delete Section 11514(4) in its entirety, and add the following Section 11514a to read as follows:

SECTION 11514A. YARD CLIPPINGS MAY BE DISPOSED OF AT A MUNICIPAL SOLID WASTE INCINERATOR IF BOTH OF THE FOLLOWING APPLY:

(1) THE MUNICIPAL SOLID WASTE INCINERATOR USES THE HEAT PRODUCED BY THE INCINERATION TO GENERATE ELECTRICITY, A DIRECT FUEL USE, OR ANY OTHER USE AS A SUBSTITUTE FOR CONVENTIONAL FUELS.

(2) THE MUNICIPAL SOLID WASTE INCINERATOR HAS CONTRACTS OF TEN (10) YEARS DURATION OR LONGER WITH AT LEAST FIVE (5) MUNICIPALITIES FOR THE DISPOSAL OF WASTE DEFINED IN SECTION 11504(8)(a) OF THIS PART.

- Or amend Section 11514(4) to read as follows:

(4) A person shall not knowingly deliver to a municipal solid waste incinerator for disposal, or, if the person is an owner of a municipal solid waste incinerator, knowingly permit disposal in the incinerator of, more than a de minimis amount of yard clippings, unless 1 OR MORE OF THE FOLLOWING APPLY:

(a) YARD CLIPPINGS are diseased, infested, or composed of invasive species as authorized by Section 11521 (1) (i).

(b) THE MUNICIPAL SOLID WASTE INCINERATOR IS LOCATED IN A COUNTY WITH A POPULATION OF AT LEAST FIVE HUNDRED FIFTY THOUSAND (550,000) AND IN A CITY WITH A POPULATION OF AT LEAST ONE HUNDRED SEVENTY FIVE THOUSAND (175,000).

The Department shall post, and a solid waste hauler that disposes of solid waste in a municipal solid waste incinerator shall provide its customers with, notice of the prohibitions of this Subsection in the same manner as provided in Section 11527a.